

Application No.: 10/808,748

REMARKS

This amendment is submitted to correct an informality noted within the Specification and to clarify and correct noted informalities in the claims previously submitted. Claims 4, 7, 10 and 17 have been canceled, and for claims 4, 7 and 17, the subject matter thereof incorporated into other amended claims. New claims 21 - 25 have been added and are directed to component feeders and methods for determining remaining reservoir capacity. Support for the limitations in the new claims is found in as-filed claims 6 and 7, and in the specification at page 9 lines 16 – 25 and at page 6, line 22 to page 7 line 6, of the as-filed application.

The Office Action of March 1, 2005 has been carefully considered. Reconsideration of this application, as amended, is respectfully requested.

Turning now to the Office Action, Claims 1 - 16 were rejected under 35 USC 103(a) as unpatentable over Weber et al (US 5,725,140) in view of 3M Technical Bulletin dated November 2001 entitled "Prevention of Pressure Sensitive Adhesive Cover Tape Jamming in Feeders with Nip Gear and/or Collection Bins System". Claims 17 - 20 were also rejected under 35 USC 103(a) as being unpatentable over Weber et al in view of 3M Technical Bulletin and further in view of the Hover-Davis Operators Guide for a SF01 Feeder bearing the date of Jan.28, 2003. Claim 20 was objected to as including an informality (improper dependency).

Considering, first, the objection to claim 20, the dependency of claim has been amended to reflect its dependence from independent claim 17. The Examiner's assistance in pointing out this informality is appreciated.

Now, turning to the substantive rejection of claims 1 – 16, under USC 103(a) as unpatentable over Weber et al (US 5,725,140) in view of the 3M Bulletin, Weber et al. discloses a cam following, lever-type reciprocating component feeder having a ratchet driven roller and a normal force roller pulling the cover tape past a peel blade so as to separate the cover tape from the pocket tape, thereby exposing the component therein, and advancing the component tape without the use of a separate tape drive motor. The 3M Bulletin teaches cover tape handling whereby a series of folding rollers, in conjunction with a tensioning roller, folds the cover tape onto itself in order to capture the pressure sensitive adhesive therein.

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Applicants respectfully urge that the asserted combination of Weber in view of the 3M Bulletin is improper. Weber clearly teaches a direct-drive cover tape system, pulling of the tape over the peel edge. Moreover, the Weber system employs an actuator-driven wheel (36) that rotates when the component tape is advanced (see description relative to FIG. 8A). On the other hand, the 3M Bulletin clearly teaches the use of a tensioning roller (e.g., Fig. 1) and suggests that proper tension needs to be maintained (text below Fig. 5), which teaches away from Weber and would appear to preclude the use of the 3M design with the Weber feeder. In view of the contrary teachings of the cited references, Applicants urge that the combination is improper and that *prima facie* obviousness has not been established.

Considering, *in arguendo*, the combination of Weber in view of the 3M Bulletin, Claim 1 has been amended to recite a single folding pulley. The rejected independent claim recites a component feeder whereby, among other elements, the component tape drive advances the component tape, and the cover tape is folded by a single folding pulley before being pushed into a reservoir. Conversely, Weber discloses a walking beam system and a component tape that indexes one pocket at a time. In combination, Weber and the 3M Bulletin still fail to teach or suggest the use of a single folding pulley in a motor driven tape feeder. Accordingly, Applicants respectfully submit that claim 1, and all claims dependant therefrom, are patently distinguishable over the asserted combination. Applicants also respectfully contend that the Examiner's assertion, that the drive and control system would have been obvious to employ in the system of Weber, is an improper reconstruction of the prior art in light of the Applicants' disclosure and is not a basis for a holding of obviousness, *In re Kamm et al.*, 172 USPQ 298 (CCPA, 1972). In the event the rejection is maintained, Applicants respectfully request that the Examiner establish where the various limitations urged to be "well known" are taught by Weber.

Insofar as claims 2 - 3, 5 - 6, 8 - 9 and 11 - 16 are concerned, these claims all depend from now presumably allowable amended claim 1 and are also believed to be in allowable condition for the reasons hereinbefore discussed with regard to claim 1. In addition to the reasons set forth above relative to independent claim 1, the rejection of the dependent claims is further traversed as set forth below. Claim 2 has been amended to recite specific features of the folding pulley as set forth in FIG. 4A of the application. Similar limitations appear in claims 14 and 15. Applicants respectfully submit that such features are not taught or suggested by the 3M Bulletin.

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As for claims 3, 5 and 6, the claims recite elements that monitor the cover tape advanced and thereby characterize the remaining capacity of the reservoir. Such elements include a control unit in conjunction with a component tape drive or a means for measuring a force. Weber makes no reference to a control unit and further lacks the ability to use a motor to advance the component tape. Nor is there any disclosure relative to monitoring the force required to drive a component tape into the catch box. In view of the failure of the cited references to disclose such limitations claims 3, 5 and 6, are urged to be patentably distinguishable over the arguable combination of Weber in view of the 3M Bulletin.

Claims 8, 9 and 11 also recite limitations not found in Weber or the 3M Bulletin. Each claim further recites limitations relative to the reservoir of claim 1. Whether it be the interior surface of the reservoir, or the shape of the perimeter, such teachings are not found in either Weber or the 3M Bulletin. In light of these noted failures to teach all claim limitations, Applicants maintain that claims 8, 9 and 11 are patentably distinguishable over the arguable combination of Weber in view of the 3M Bulletin.

Referring now to the rejected claims 13 – 16, where the additional limitation of a splice deflector is introduced in claim 13. No such feature or teaching is found in Weber or the 3M Bulletin and Applicants submit the arguable combination fails to support the asserted rejection. Accordingly, claims 13 – 16 are also believed to overcome the rejection and be in condition for immediate allowance.

Applicants further note that for various dependent claims indicated above, the rejection contains no detail as to the basis for such a rejection. "The examiner has the initial burden of factually supporting any *prima facie* conclusion of obviousness. If the examiner does not produce a *prima facie* case, the applicant is under no obligation to submit evidence of nonobviousness." (MPEP 2142). Thus, the rejection is believed to be incomplete relative to the dependent claims. Although Applicants have attempted to address the rejection relative to the dependent claims, the Examiner is respectfully requested to provide a comprehensive action and a complete examination of each claim. In the event the rejection is maintained relative to the noted dependent claims,

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Applicants respectfully reserve opportunity to reply to such rejection in a subsequent response.

Considering next the rejection of claims 17 - 20 under 35 USC 103(a) as being unpatentable over Weber et al. in view of the 3M Bulletin and in further view of the Hover-Davis Operators Guide, Applicants respectfully incorporate herein the prior arguments traversing the combination of Weber in view of the 3M Bulletin. In regard to the Hover-Davis Operators Guide, Applicants note the attached Affidavit and respectfully submit that the Hover-Davis Operators Guide is the work product of the named inventors, and was not available more than one year before the instant application priority date of March 28, 2003. Accordingly, Applicants respectfully request that the Hover-Davis guide be removed from further consideration as a basis for rejection.

Claims 17 – 20 are directed to a method of handling detached cover tape, wherein the tape is folded longitudinally, corrugated and pushed into a reservoir where the reservoir's remaining capacity is monitored. Applicants respectfully contend that even if considered in combination, neither Weber nor the 3M Bulletin include any teaching or suggestion of the corrugation or monitoring steps as now recited in claim 17. Although the teachings of the Hover-Davis guide were relied upon as the basis for a teaching of corrugation, as noted above the Hover-Davis guide is not believed to be available to support such teaching. Nonetheless, there was also no teaching of the recited step of monitoring the tape in the reservoir and hence claim 17 is respectfully urged to be patentably distinguishable over any arguable combination of Weber in view of the 3M Bulletin.

In so far as rejected dependent claims 19 and 20 are concerned, these claims depend from now presumably allowable claim 17 and are believed to be in condition for allowance for the reasons set forth above relative to claim 17.

In view of the foregoing remarks and amendments, reconsideration of this application and allowance thereof are earnestly solicited. In the event that additional fees are required as a result of this response, including fees for extensions of time and additional

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claims presented by this amendment, such fees should be charged to USPTO Deposit Account No. 50-2737 for Basch & Nickerson LLP.

In the event the Examiner considers personal contact advantageous to the timely disposition of this case, he is authorized to call Applicant's attorney, Duane C. Basch, at Telephone Number (585) 899-3970, Penfield, New York.

Respectfully submitted,



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